IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1317 (S/S) of 2005

Trilok Singh Bhandari,
Son of Sri Gopal Singh Bhandari,
aged about 58 years,
resident of Village – Gnagora,
P/O Pali,
District – Almora. .....Petitioner.

V e r s u s.

1. State of Uttaranchal, through Secretary Uttaranchal Pey Jal Sansadhan Vikas Avam Nirman Nigam, Dehradun.
2. Executive Engineer, Uttaranchal Pey Jal Sansadhan Vikas Avam Nirman Nigam, Udham Singh Nagar.
3. Managing Director, Uttaranchal Pey Jal Sansadhan Vikas Avam Nirman Nigam, Dehradun.
4. Director Finance, Uttaranchal Pey Nigam 11, Mohini Road, Dehradun.
5. U.P. Jal Nigam through Managing Director, Lucknow.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri A.D. Tripathi, learned counsel for the petitioner, learned standing counsel, who has accepted notice on behalf of respondent no. 1, Sri D.S. Patni, who has accepted notices on behalf of respondents no. 2 to 4.

Learned counsel for the petitioner prays for and is permitted to implead U.P. Jal Nigam through Managing Director, Lucknow as respondent no. 5.

Learned counsel for the petitioner is directed to supply the copy of the writ petition to Sri Sudhir Singh, learned counsel for the respondent no. 5, at the earliest.

Respondents shall file the counter affidavit within a period of four weeks.

List thereafter.

CIVIL STAY APPLICATION NO. 7113 OF 2005

Heard.

Learned counsel for the petitioner has prayed to direct the respondents to release the pension and other post retirel benefits. Petitioner was retired on 31.01.2005. Eight months have passed but till date respondents have not paid the post retirel benefits to the petitioner.

Learned counsel for the respondents no. 2 to 4 has submitted that records pertaining to the petitioner have yet not been received from respondent no. 5 and as such, post retirel dues could not be paid to the petitioner.

It is not disputed that the petitioner was retired from Uttaranchal Pey Jal Nigam and it is the duty of the Uttaranchal Pey Jal Nigam to obtain records and pay post retirel benefits to the petitioner within a period of six weeks.

U.P. Jal Nigam, Luchnow is directed to supply the relevant documents pertaining the petitioner to the Uttaranchal Pey Jal Nigam within a period of four weeks from date of production of certified copy of this order.

Application is disposed of accordingly.

(M.M.Ghildiyal, J.)

September 09, 2005
SKSharma

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Writ Petition No. 1317 (S/S) of 2005

Trilok Singh Bhandari,
Son of Sri Gopal Singh Bhandari,
Aged about 58 years,
R/o Village – Gnagora,
P/o Pali,
District – Almora. **.....…Petitioner.**

Versus.

1. State of Uttaranchal, through its Secretary Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nirgam, Dehradun.
2. Executive Engineer, Construction Division, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Udham Singh Nagar.
3. Managing Director, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun.
4. Director Finance, Uttaranchal Pey Nigam 11, Mohini Road, Dehradun.
5. U.P. Jal Nigam through M.D. Jal Nigam, Lucknow.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri A.D. Tripathi, learned counsel for the petitioner, Sri N.P. Shah, learned Standing counsel for State of Uttarakhand on behalf of respondent no. 1, Sri D.S. Patni, learned counsel for respondents no. 2 to 4.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to release the pension and the other pensionary benefits (Gratuity, group Insurance, leave incashment etc) of petitioner, with a interest of 12% per annum.*

2. *issue any other writ, order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.*

3. *award the cost in favour of the petitioner.*

The submission of the learned counsel for the petitioner is that petitioner, who was appointed on the post of Computer, has been retired from the service on 31.01.2005 and petitioner has yet not received the amount of GIS and Rs. 50,000/- of GPF.

Learned counsel for the respondents has submitted that the same has been withheld on the ground that some recovery is pending against the petitioner.

Learned counsel for the petitioner has submitted that there is no recovery pending against the petitioner and the aforesaid amount has been withheld by the respondents arbitrarily and illegally. Further he has not received full pension till date.

In the circumstances stated above, I direct the respondents to take decision for payment of full pension, amount of GIS and amount of GPF, if there is no due pending against the petitioner within a period of three months from the date of production of certified copy of this order.

With this direction, writ petition as well as stay application no. 7113 of 2005 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 14, 2007
Sksharma